



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

December 21, 2015

William W. Stelle, Jr.
Regional Administrator
NMFS West Coast Region
7600 Sand Point Way NE
Seattle, WA 98115

Dear Mr. Stelle:

The U.S. Environmental Protection Agency has reviewed the National Marine Fisheries Service November 2015 Draft Environmental Impact Statement to Analyze Impacts of NOAA's National Marine Fisheries Service Proposed 4(d) Determination under Limit 6 for Five Early Winter Steelhead Hatchery Programs in Puget Sound (EPA Region 10 Project Number: 15-0045-NOA).

Our review was conducted in accordance with the EPA's responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Our review of the DEIS considers the expected environmental impacts of the proposed action and the adequacy of the EIS in meeting the procedural and public disclosure requirements of NEPA.

Project summary

The DEIS evaluates five Hatchery and Genetic Management Plans (HGMPs) for steelhead in Puget Sound. The HGMPs specify the propagation of early-returning ("early") winter steelhead in the Dungeness, Nooksack, Stillaguamish, Skykomish, and Snoqualmie River watersheds in Washington State. The HGMPs were provided by the Washington Department of Fish and Wildlife (WDFW), with the Jamestown S'Klallam Tribe, the Lummi Nation, the Nooksack Tribe, the Stillaguamish Tribes, and the Tulalip Tribes for NMFS's evaluation and determination under Limit 6 of the Endangered Species Act (ESA) 4(d) Rule for listed salmon and steelhead.

Responsiveness to EPA's scoping comments

DEIS chapter 1 addresses our interest in how the HGMPs support NMFS's ESA goals.

DEIS section 1.3 Purpose and Need for the Proposed Action addresses our interest in how the co-managers' objectives relate to an overall strategy to promote viable salmonid populations.

DEIS chapter 1 addresses our interest in NMFS's strategy for providing harvest fish for Tribes while promoting ESA salmon recovery.

DEIS section 2.2.1 addresses our interest in the consequences of failing to approve the HGMPs under Limit 6 of ESA 4(d) because it includes NMFS's "best estimate" of what would happen in the absence

of the proposed action - WDFW would discontinue its early winter steelhead hatchery programs in the Dungeness, Nooksack, Stillaguamish, Skykomish, and Snoqualmie River basins.

The DEIS's range of alternatives is consistent with our scoping recommendation. We believe that the No Action, Reduced Production and Native Broodstock Alternatives help to sharply define the issue of hatchery impacts on natural salmonid populations because there are clear differences in hatchery-related risk, as well as viability benefits, for Puget Sound listed salmonids.

DEIS Chapter 4 Environmental Consequences is responsive to our recommendation for a rigorous comparison of the alternatives' hatchery-related detrimental effects on natural salmonid populations. DEIS section 4.2.4's gene flow risk and viability benefits information is exemplary of the kind of comparison we were interested in. The section contains clear information on how the Native Broodstock Alternative would result in a low risk of harmful genetic effects relative to the other action alternatives. The section also clearly communicates how the Native Broodstock Alternative is the only alternative with the potential for viability benefits to natural-origin steelhead.

DEIS Table 3 is responsive to our recommendation for a flowchart or table which shows the sequencing of past, present and future process steps for NMFS' NEPA compliance, ESA Section 4(d), and ESA Section 7 work on Puget Sound salmon and steelhead hatchery programs.

The DEIS addresses our interest in Clean Water Act requirements including National Pollutant Discharge Elimination System (NPDES) permit requirements.

The DEIS's cumulative impacts chapter addresses our interest in the role of habitat protection/restoration for both species recovery and to support Tribal, commercial and recreational fisheries.

EPA Rating for the DEIS

We are rating the DEIS Environmental Concerns – Adequate (EC-1). We have concerns regarding the hatchery programs' potential negative effects on natural-origin steelhead and salmon from genetic risks, competition and predation, hatchery facility effects, incidental fishing effects, and disease transfer. We are also concerned that the Proposed Action and Reduced Production alternatives provide no possibility for viability benefits to natural-origin steelhead.

We are rating the DEIS's information as Adequate because of the high level of responsiveness to our scoping recommendations. Thanks to the analysis in the DEIS, we understand that our environmental concerns do not have simple solutions. Hatchery facility and disease transfer effects are the same under all alternatives. The Native Broodstock Alternative's potential for viability benefits also poses an increased risk of incidental fishing effects. The Reduced Production Alternative and the No Action Alternative reduce hatchery-related detrimental impacts, but also reduce hatchery-related benefits to fishing, and would pose a disproportionate impact on Native American Tribes.

FEIS recommendation

We recommend that the FEIS include clarifying information on how NMFS intends to identify the environmentally preferable alternative. We believe that this project is one where identifying the environmentally preferable alternative will involve difficult judgements, both in terms of which alternative would cause the least damage to the biological and physical environment, and which alternative would best protect, preserve, and enhance cultural, and natural resources.

To assist in your effort in describing a process to identify an environmentally preferable alternative, we recommend consideration of factors that best facilitate adaptation to habitat loss, changes in oceanic conditions, impacts from dams and diversion, direct predation and climate change.

Thank you for this opportunity to comment and if you have any questions please contact me at (206) 553-1601 or by electronic mail at littleton.christine@epa.gov, or you may contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Christine B. Littleton".

Christine B. Littleton, Manager
Environmental Review and Sediment Management Unit

Enclosure:

1. U.S. EPA Rating System For Draft Environmental Impact Statements

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.